



CO 242-C

Subject

History of extended voluntary departure
actions in INS; Your CO 1433 dated
January 19, 1982

Date

To

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Acting Deputy Commissioner

From

Glenn A. Bertness
Acting Associate Commissioner
Enforcement

Over the past years the Department of State has recommended to INS that conditions in certain countries have warranted granting nationals of those countries extended blanket voluntary departure in lieu of deportation. This procedure has been used for nationals of Afghanistan, Cambodia, Chile, Cuba, Czechoslovakia, Dominican Republic, Ethiopia, Hungary, Iran, Laos, Lebanon, Nicaragua, Poland, Rumania, Uganda, and Vietnam.

A. The Afghanistan Situation

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As recommended by the Department of State on April 12, 1980 and concurred in by INS, a policy wire dated December 2, 1980, was sent to the field stating that no Afghan national in the United States at that time, except those who had engaged in serious criminal activities, should be forced to return to Afghanistan. Those Afghans who applied for asylum and established a well-founded fear of persecution should be accorded asylum. Those aliens who did not apply for asylum but resisted returning to Afghanistan because of the turmoil prevailing in that country rather than because of a fear of persecution, should be granted extended voluntary departure and work authorization in increments of one year. This policy still is in effect.

G. The Ethiopian Situation

The policy of granting blanket extended voluntary departure for Ethiopian nationals went into effect on July 12, 1977. Service action should not be taken to enforce departure to Ethiopia of Ethiopian nationals who were residents or former residents of Ethiopia and who indicated unwillingness to return to that country under circumstances currently prevailing there. Extensions of temporary stay could be granted those who qualified for such extensions. Similarly voluntary departure could be granted in increments of one year subject to revocation. Aliens' I-94 should be stamped "Employment Authorized" when voluntary departure granted.

On August 8, 1981, the Department of State informed the Service that conditions in Ethiopia had stabilized to the point where the automatic grant of voluntary departure status to unsuccessful asylum applicants could no longer be justified. For those Ethiopians who were in voluntary departure status, it was suggested that such designations be allowed to expire on their own.

On August 26, 1981 under memorandum CO 243.79-P, the field was notified that the automatic grant of voluntary departure to nationals of Ethiopia could no longer be justified. Accordingly, all previous policy statements concerning blanket grants of voluntary departure to nationals of Ethiopia were rescinded. Handling of requests for voluntary departure should be on a case-by-case basis.

United States. This policy will continue in effect until March 31, 1982, or until otherwise notified.

I. The Rumanian Situation

A directive was sent out under CO 212.32-P dated December 30, 1977 to terminate proceedings against natives of Rumania who had applications for political asylum pending and to summarily grant voluntary departure for a period of one year with employment authorized. The Department of State advised in a letter dated April 23, 1981, that they were rescinding the October 26, 1977, letter from Mr. James Carlin to Mr. Mario Noto regarding asylum requests by Polish nationals, which the Service subsequently expanded to include Rumanians, Hungarians, and Czechs and that recommendations for voluntary departure would be on a case-by-case basis. That policy was terminated by wire of April 29, 1981.

II. The Ugandan Situation

On April 7, 1978, the Department of State recommended that those Ugandans who had failed to establish their eligibility as refugees within the meaning of the United Nations Protocol relating to the status of refugees, should be permitted them to remain here and be authorized to work until such time that they could safely return to their homeland.

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The policy of granting blanket extended voluntary departure for Ugandan nationals was placed into effect on June 8, 1978. On June 14, 1979, the Department of State was asked to express their views concerning the improved situation in Uganda to which the following reply was received on June 27, 1979:

"As you note, conditions in Uganda have improved since the overthrow of Idi Amin. At this point, however, conditions remain too unsettled to warrant a change in the policy of granting Ugandan nationals voluntary departure status. We believe it is appropriate to wait a few more months for the new government of that country to take shape before the United States takes any action to enforce involuntary departure to Uganda. We will be watching this situation closely, and we will inform you promptly when we believe a change in policy is appropriate."

This policy continues in effect.

P. The Vietnamese Situation

Pursuant to a request from the Department of State dated April 3, 1975, the policy of granting blanket extended voluntary departure for Vietnamese nationals was placed into effect on April 4, 1975, because of the rapidly deteriorating situation in Southeast Asia. Public Law 95-145 (October 28, 1977) provided for the adjustment of status of Indochinese refugees.